LILLICK MCHOSE & CHARLES DANIEL C. MINTEER 2550 Fifth Avenue, Suite 709 San Diego, California 92103 (714) 234-4673

Attorneys for Plaintiff SECURITY PACIFIC NATIONAL BANK

## SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF SAN DIEGO

SECURITY PACIFIC NATIONAL BANK, a national banking association,

Plaintiff,

CINEMATRONICS, INCORPORATED, a California corporation, JIMMIE DALE PIERCE, an individual, SUSANNE C. PIERCE, an individual, and DOES I through XX, inclusive,

Defendants.

No. 490399

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EX PARTE APPLICATION FOR ORDER ALLOWING EARLY DISCOVERY (CCP \$2016) AND THE SETTING OF A HEARING ON APPLICATION FOR RIGHT TO ATTACH ORDER

COMES NOW, SECURITY PACIFIC NATIONAL BANK ("SPNB") and applies to the court as follows:

- WHEREAS, SPNB has filed a verified complaint against CINEMATRONICS, INCORPORATED ("CINEMATRONICS") for breach of numerous loan obligations, total damages for which exceed \$3,174,035.59.
- WHEREAS, SPNB does not have any security for the aforedescribed loans now in default.

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 WHEREAS, SPNB has made demand on CINEMATRONICS for payment of all amounts due, which demand has gone unanswered.

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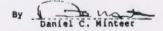
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- WHEREAS, SPNB alleges it has exhausted all avenues of working out of this loan situation short of this lawsuit.
- 5. WHEREAS, SPNB is informed and believes that CINEMATRONICS' financial position is deteriorating and that its position will be substantially prejudiced if it is unable to obtain a right to attach order at the earliest possible date. Absent this ex parte application, SPNB was informed the next available date for such a hearing was September 9, 1982.
- 6. WHEREAS, SPNB alleges in order for it to secure proper attachments and obtain a judgment at the earliest possible date, it needs to initiate discovery to substantiate its case and that this discovery must be initiated immediately.
- SPNB hereby requests an order allowing SPNB to present its application for a right to attach order and writ of attachment at the earliest possible date.
- SPNB also requests an order waiving the 20-day delay in initiating discovery requests.

DATED: August 13, 1982.

Respectfully submitted,

LILLICK MCHOSE & CHARLES DANIEL C. MINTEER



Attorneys for Plaintiff SECURITY PACIFIC NATIONAL BANK